

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BRYAN DRYDEN,

Case No. 2:17-cv-00704-JAD-NJK

Petitioner

VS.

ORDER

JAMES DZURENDA, et al.,

[ECF Nos. 1, 2]

Respondents

Petitioner Bryan Dryden brings this petition for a writ of habeas corpus under 28 U.S.C. § 2254 to challenge his 2011 state-court conviction for second-degree murder. Petitioner has filed an application to proceed *in forma pauperis* (ECF No. 1). The court finds that petitioner is unable to pay the filing fee.

Petitioner also has filed a motion for appointment of counsel (ECF No. 2). Petitioner is unable to afford counsel. Documents attached to the petition show that petitioner has a history of mental-health problems. Counsel would be of assistance in this action.¹

IT IS THEREFORE ORDERED that the application to proceed *in forma pauperis* [ECF No. 1] is GRANTED. Petitioner need not pay the \$5.00 filing fee. The Clerk of Court is directed to FILE the petition for a writ of habeas corpus [ECF No. 1-1].

IT IS FURTHER ORDERED that petitioner's motion for appointment of counsel [ECF No. 2] is GRANTED. The Federal Public Defender is provisionally appointed to represent petitioner, and the FPD has until September 22, 2017, to undertake direct representation of petitioner or to notify the court of his inability to represent petitioner in these proceedings. If the Federal Public Defender does undertake representation of petitioner, he will have 60 days to file an

¹ See 18 U.S.C. § 3006A(a)(2)(B).

1 amended petition for a writ of habeas corpus; if the FPD is unable to represent petitioner, then the
2 court will appoint alternate counsel. Neither the foregoing deadline nor any extension thereof
3 signifies or will signify any implied finding of a basis for tolling during the time period established.
4 Petitioner at all times remains responsible for calculating the running of the federal limitation period
5 under 28 U.S.C. § 2244(d)(1) and timely asserting claims.

6 IT IS FURTHER ORDERED that the Clerk of Court is directed to **add Adam Paul Laxalt,**
7 **Attorney General for the State of Nevada, as counsel for respondents** and electronically serve
8 both the Attorney General of the State of Nevada and the Federal Public Defender a copy of the
9 petition and a copy of this order.

10 IT IS FURTHER ORDERED that **respondents' counsel must enter a notice of**
11 **appearance by September 11, 2017**, but no further response will be required from respondents
12 until further order of the court.

13 IT IS FURTHER ORDERED that any **exhibits** filed by the parties must be filed with a
14 separate index of exhibits identifying the exhibits by number or letter. The CM/ECF attachments
15 that are filed further must be identified by the number or numbers (or letter or letters) of the exhibits
16 in the attachment. The hard copy of any additional state court record exhibits must be forwarded
17 —for this case—to the staff attorneys in Las Vegas.

18 DATED: August 22, 2017

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JENNIFER A. DORSEY
United States District Judge